

REMARKS

The Office Action and references have been carefully considered. Although the reasons for rejection and the application of the references to the rejected claims is presented in the Office Action, careful re-reading of the references indicates that they are not fairly applicable to the Applicant's claims as now presented. Reconsideration and allowance of claims as now presented are requested.

Claims 1, 8-11, 53-56 and 69 were rejected under 35 U.S.C. § 102(e) as being anticipated by Thompson et al. In this rejection, it is stated that the Thompson et al. reference includes a "unique identifier (unlabeled; defined by a four digit code used to obtain data from the dispenser; see col. 7, lines 44-65)." But careful review of the column 7 of the Thompson et al. patent to which the rejection refers, reveals that the dispenser is enabled to return collected data to a supervisor in response to a code entered on the key pad. The dispenser only displays information when the supervisor hits the dispensing lever or any data input button with a single impact. Subsequent impacts by the supervisor displays for each impact, a different type of information. None of this code or the subsequent inputs is "unique among hand treatment agent dispenser identifiers", as recited in Applicant's claim 1. Moreover, none of the above-mentioned code or steps described in Thompson et al. is useful to distinguish one Thompson et al. dispenser from any other Thompson et al. dispenser or any other hand treatment agent dispenser. The "unique ID's" (Thompson et al., col. 7, line 10) refers to: 1. an employee ID for an employee to enter their own ID code in order to obtain some hand soap; or 2. a supervisor ID by a supervisor in order to obtain dispenser usage figures and usage counts broken down by individual employees. Accordingly, as many Thompson et al. soap dispensers as desired, and mounted in different locations of an establishment, can be identical and responsive to the same codes. But we find no

teaching in the Thompson et al. reference that the Thompson et al. dispensers have unique identifiers to distinguish one from the another Thompson et al. dispenser or from other hand treatment dispensers. Thus, it is submitted that the Thompson et al. reference neither discloses nor suggests the combination recited in Applicant's claim 1 as now presented. If anything, the Thompson et al. reference teaches away from Applicant's claimed invention because it teaches the use of personal identifiers of various users for different purposes, that is for employees to get soap out of the dispensers and for supervisors to get accumulated data from the dispensers. It is submitted that Applicant's claim 1 defines patentable invention and is allowable.

Claims 8 through 11 depend directly and indirectly from claim 1. It is submitted that these claims are allowable along with claim 1.

Further, and regarding claim 9, which specifies a range of capacity of Applicant's storage means, and a range for amount discharged, the Thompson et al. reference mentions the same amount (0.5 ml. to 3 ml.) in volume of soap per discharge to a user. But Thompson teaches a significant difference in volume of the soap containment or holding means. It suggests "preferably 100 ml. to 5 liters, and most preferably, the volume of the holding means is about 150 ml. to 1,000 ml." In contrast, Applicant's recited means for storage has a capacity of between 10 and 75 ml. This is a major difference, making it clear that, in contrast to Applicant's claimed dispenser, which in some embodiments can be readily carried by the user, the Thompson et al. dispenser is not a portable device. For this additional reason, it is submitted that claim 9 defines patentable invention and is allowable.

Regarding claim 10, the Office Action referred the reader to col. 5, lines 12-24 of the Thompson et al. reference. Applicant's claim 10 recites a piston pump. But the reference teaches a flexible compressible tube 220 (Fig. 2) which is pinched and provides for the dispensing of a

predetermined amount of soap (Thompson et al., col. 9, lines 59-61). It is not a piston pump. Therefore, it is evident that this recital of Applicant's claim 10 further distinguishes claim 10 from the teachings of Thompson et al. For this additional reason, it is submitted that claim 10 defines patentable invention and is allowable.

Claims 53 through 56 and 69 are rejected as fully met by Thompson et al. In this rejection, it is not indicated how Thompson et al. meets the requirement of Applicant's claim that the cartridge is "adapted to organization with other like cartridges in a control station for sequential release from such control station." We find no suggestion in the reference that the cartridges proposed for use with the Thompson et al. dispenser, be adapted to organization with like cartridges in a control station for sequential release. The patent appears to be silent in that regard. Therefore, it is submitted that claim 53 defines patentable invention and is allowable.

Claims 54 through 56 and 69 depend from claim 53 and are believed allowable along with it. In addition, while considering the rejection of claim 54, it is noted that claim 74 (which also recites that the replaceable cartridge has a unique identifier) was rejected with a statement in the Office Action that each replaceable cartridge has a unique identifier by shape alone. It is believed that this statement refers to a thought that a flexible bag or cartridge disclosed in Thompson et al. changes shape as used. It has to be recognized that, particularly with a flexible cartridge which, as used, changes shape, becomes no longer useful as an identifier to distinguish the cartridge from other replaceable cartridges which can also be deformed to the same shape, or to an undistinguishable difference in shape. Therefore, claims 54 and 74 are now amended to recite that the identifier is not only "unique among hand treatment agent dispenser identifiers", but also permanent. With a permanent identifier as now specified in amended claims 54 and 74, the cartridge can be identified regardless of what shape it has originally, during or after use.

Therefore, it is submitted that claims 54 and 74 as now amended, define patentable invention and are allowable.

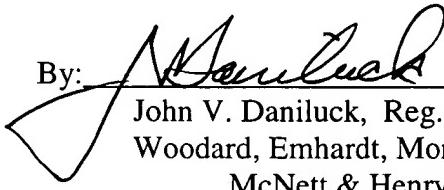
Claims 72 and 88 were rejected as anticipated by Segal. The Office Action comments regarding language in the claims and certain components of Segal are noted. However, the Segal reference controller 18 (which the Office Action considers the “control station” of Applicant’s claims 72 and 88) does not have “means for storing hand cleaning agent for said dispensers” as specified in Applicant’s claims 72 and 88. In fact, Segal does not have any “means for storing hand cleaning agent for said dispensers” as specified by claims 72 and 88. Underlining is added to the above quotes, so it is clear that these claims define invention patentable over Segal.

It follows that Segal has no means to release hand cleaning agent from storage in the control station to a user upon request. Therefore, claim 88 defines patentable invention and is allowable.

Claims 73 and 74 were further rejected under §103(a) as unpatentable over Segal in view of Thompson et al. Applicant has noted the comments in the Office Action regarding the proposed combination of Thompson teaching of the replaceable cartridge with the Segal reference, to reject these claims. But the fact remains that the Segal reference does not have anything that suggests, much less fits the above quoted language from claims 72 and 88. Even if a replaceable cartridge for which Thompson et al. has been cited, was used in a soap dispenser or dispensers of Segal, as suggested by the Office Action, the combination recited in the parent claim 72 remains neither suggested nor met. Therefore, it is submitted that the combination of the Segal and Thompson et al. references is an improper combination and should be withdrawn. Moreover, any combination of these two references still does not meet the clear recitals of claims 72, 73 or 74.

It is submitted that the previously rejected claims of Applicant, as now presented, define patentable invention and are allowable along with the claims previously indicated allowable. Allowance thereof is solicited so that this application may mature into a patent.

Respectfully submitted,

By: 
John V. Daniluck, Reg. No. 40,581
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
Bank One Center Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456 (telephone)